

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Joint Resolution No. 5, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said joint resolution be AMENDED as follows:**

1           Page 1, delete lines 8 through 13, begin a new paragraph and  
2       insert:

3           "SECTION 3. ARTICLE 5 OF THE CONSTITUTION OF THE  
4       STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION  
5       TO READ AS FOLLOWS: **Section 10.1. (a) If the Governor-elect**  
6       **fails to assume office, the Lieutenant Governor-elect becomes**  
7       **Governor and holds office for the term of the Governor-elect.**

8           **(b) If the Governor dies, resigns, or is removed from office,**  
9       **the Lieutenant Governor becomes Governor by operation of law**  
10      **and holds office for the unexpired term of the immediately**  
11      **previous Governor. The oath of office taken by the Lieutenant**  
12      **Governor as Lieutenant Governor serves as the oath of office for**  
13      **the office of Governor.**

14          **(c) The General Assembly shall provide by law for the**  
15      **Lieutenant Governor to discharge the Governor's powers and**  
16      **duties as Acting Governor if the Governor or state officers**  
17      **(including officers of the General Assembly) designated by law**  
18      **determine that the Governor is unable to discharge the**

1 Governor's powers and duties.

2 (d) If the Lieutenant Governor dies, resigns, or is removed  
3 from office, the Governor shall nominate an individual to become  
4 Lieutenant Governor. The individual nominated by the Governor  
5 takes office upon confirmation by a majority vote in each house  
6 of the General Assembly and holds office for the unexpired term  
7 of the immediately previous Lieutenant Governor. If the General  
8 Assembly is not in session, the Governor shall call it into special  
9 session to receive and act upon the Governor's nomination.

10 (e) The General Assembly shall provide by law for an  
11 individual nominated by the Governor to discharge the Lieutenant  
12 Governor's powers and duties as Acting Lieutenant Governor if  
13 the Lieutenant Governor or the Governor determines that the  
14 Lieutenant Governor is unable to discharge the Lieutenant  
15 Governor's powers and duties.

16 (f) If both the offices of Governor and Lieutenant Governor  
17 are vacant, the General Assembly shall convene in joint session  
18 not later than forty-eight hours after the later vacancy occurs and  
19 elect a Governor from the same political party as the immediately  
20 previous Governor by a majority vote of each house.

21 (g) If any of the following applies, the General Assembly shall  
22 convene in joint session not later than forty-eight hours after the  
23 latest event occurs and select an Acting Governor from the same  
24 political party as the Governor by a majority vote of each house:

25 (1) Both the Governor and Lieutenant Governor are unable  
26 to discharge the powers and duties of their respective  
27 offices.

28 (2) The office of Governor is vacant and the Lieutenant  
29 Governor is unable to discharge the powers and duties of the  
30 Lieutenant Governor.

31 (3) The Governor is unable to discharge the powers and  
32 duties of the Governor and the office of Lieutenant  
33 Governor is vacant.

34 The General Assembly may provide by law for designated state  
35 officers (including officers of the General Assembly) to discharge

1 the Governor's powers and duties as Acting Governor until the  
 2 General Assembly selects an Acting Governor under this  
 3 subsection.

4 (h) An individual who serves as Acting Governor may exercise  
 5 all the Governor's powers and duties. An individual who serves as  
 6 Acting Governor surrenders the Governor's powers and duties  
 7 when the earliest of the following occurs:

8 (1) The Governor's term of office expires.

9 (2) The Governor resumes the Governor's powers and  
 10 duties.

11 (3) Another individual becomes Acting Governor.

12 (4) The individual is unable to discharge the Governor's  
 13 powers and duties.

14 (i) An individual who serves as Acting Lieutenant Governor  
 15 has all the Lieutenant Governor's powers and duties. An  
 16 individual who serves as Acting Lieutenant Governor surrenders  
 17 those powers and duties when the earliest of the following occurs:

18 (1) The Lieutenant Governor's term of office expires.

19 (2) The Lieutenant Governor resumes the Lieutenant  
 20 Governor's powers and duties.

21 (3) Another individual becomes Acting Lieutenant  
 22 Governor.

23 (4) The individual is unable to discharge the Lieutenant  
 24 Governor's powers and duties.

25 (j) An individual who serves as Acting Governor by virtue of  
 26 another office the individual holds does not forfeit the other office  
 27 upon becoming Acting Governor. The individual may not discharge  
 28 the powers and duties of the other office while serving as Acting  
 29 Governor.

30 (k) If a question arises whether an individual serving as  
 31 Governor or Lieutenant Governor is able to discharge the powers  
 32 and duties of an office, the Supreme Court shall decide the  
 33 question. An individual serving as Governor or Lieutenant  
 34 Governor who had been determined unable to discharge the  
 35 powers and duties of an office may file a petition with the

1       **Supreme Court for a determination that the individual is able to**  
2       **discharge the powers and duties of the office. If a petition is filed**  
3       **under this subsection, the Supreme Court shall meet to decide the**  
4       **q           u           e           s           t           i           o           n**

1        **under procedures provided by law. A decision of the Supreme**  
2        **Court of a question under this subsection is final."**

3        Delete pages 2 through 7.  
          (Reference is to SJR 5 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 8, Nays 0.

---

**Senator Garton, Chairperson**